

1 JAMES M. CHADWICK, Cal. Bar No. 157114
jchadwick@sheppardmullin.com
2 GUYLYN R. CUMMINS, Cal. Bar No. 122445
gcummins@sheppardmullin.com
3 MICHELLE LAVOIE WISNIEWSKI, Cal. Bar No. 234032
mwisniewski@sheppardmullin.com
4 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
501 W. Broadway, 19th Floor
5 San Diego, California 92101
Telephone: 619-338-6500
6 Facsimile: 619-234-3815

7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 PERFECT 10, INC., a California
11 corporation,

12 Plaintiff,

13 v.

14 HOTFILE CORP., a Panamanian
corporation; HOTFILE, LLC, a Bulgarian
15 limited liability company; ANTON
TITOV, an individual; LEMURIA
16 COMMUNICATIONS, INC., a Florida
corporation; and DOES 1 through 100,
17 inclusive,

18 Defendants.
19
20

Case No. 10-CV-2031 MMA
Hon. Michael M. Anello

**REQUEST FOR JUDICIAL NOTICE
OF DOCUMENTS FILED IN
SUPPORT OF LEMURIA
COMMUNICATIONS INC.'S
MOTION TO DISMISS**

*[Notice of Motion, Motion, Memorandum
of Points and Authorities, and Declaration
of Anton Titov Filed Concurrently
Herewith]*

Hearing:

Date: January 31, 2011
Time: 2:30 p.m.
Crtrm: 5

[Complaint Filed: September 20, 2010]

1 TO THE HONORABLE JUDGE OF SAID COURT:

2
3 Defendant Lemuria Communications, Inc. ("Lemuria") by counsel, appearing
4 specially and without consenting to personal jurisdiction in this Court, requests the Court
5 to take judicial notice of the attached documents, submitted in support of its Motion to
6 Dismiss:

7 **EXHIBIT B** The results of a search of the PACER online system for
8 cases coded as copyright cases (using the search code
9 "820") previously brought by plaintiff Perfect 10, dated
December 16, 2010.

10 **EXHIBIT C** Docket, *Perfect 10 Inc. v. Netsaits B.v.*, Case No. 3:2010-cv-
11 01773, filed on August 25, 2010. This document consists
of a court docket from the Southern District of California.

12 **EXHIBIT D** Docket, *Perfect 10 Inc. v. Rapidshare AG*, Case No.
13 3:2009-cv-02596, filed on November 18, 2009. This
document consists of a court docket from the Southern
District of California.

14 **EXHIBIT E** Docket, *Perfect 10 Inc. v. Microsoft Corp.*, Case No.
15 2:2007-cv-05156, filed on August 8, 2007. This document
16 consists of a court docket from the Central District of
California.

17 **EXHIBIT F** Docket, *Perfect 10 Inc. v. Amazon, Inc.*, Case No. 2:2005-
18 cv-04753, filed on June 29, 2005. This document consists
of a court docket from the Central District of California.

19 **EXHIBIT G** Docket, *Perfect 10 Inc. v. Google Inc.*, Case No. 2:2004-cv-
20 09484, filed on November 19, 2004. This document
consists of a court docket from the Central District of
California.

21 **EXHIBIT H** Docket, *Perfect 10 Inc. v. Arlo Gilbert*, Case No. 2:2004-
22 cv-09098, filed on November 3, 2004. This document
consists of a court docket from the Central District of
California.

23 **EXHIBIT I** Docket, *Perfect 10 Inc. v. George Dranichak*, Case No.
24 2:2004-cv-02581, filed on April 13, 2004. This document
25 consists of a court docket from the Central District of
California.

26 **EXHIBIT J** Docket, *Perfect 10 Inc. v. Charlo Barbosa*, Case No.
27 2:2004-cv-02583, filed on April 13, 2004. This document
28 consists of a court docket from the Central District of
California.

- EXHIBIT K** Docket, *Perfect 10 Inc. v. Theodore M. Hasse*, Case No. 2:2004-cv-02585, filed on April 13, 2004. This document consists of a court docket from the Central District of California.
- EXHIBIT L** Docket, *Perfect 10 Inc. v. Bernard Rothschild*, Case No. 2:2004-cv-02586, filed on April 13, 2004. This document consists of a court docket from the Central District of California.
- EXHIBIT M** Docket, *Perfect 10 Inc. v. Visa Int'l Serv. Ass'n*, Case No. 5:2004-cv-00371, filed on January 28, 2004. This document consists of a court docket from the Northern District of California.
- EXHIBIT N** Docket, *Perfect 10 Inc. v. Belmont Studios Inc.*, Case No. 2:2003-cv-09113, filed on December 15, 2003. This document consists of a court docket from the Central District of California.
- EXHIBIT O** Docket, *Perfect 10 Inc. v. Magna Publ'g*, Case No. 2:2003-cv-01899, filed on March 18, 2003. This document consists of a court docket from the Central District of California.
- EXHIBIT P** Docket, *Perfect 10 Inc. v. Full Moon Internet*, Case No. 2:2003-cv-01129, filed on February 18, 2003. This document consists of a court docket from the Central District of California.
- EXHIBIT Q** Docket, *Perfect 10 Inc. v. CCBill LLC*, Case No. 2:2002-cv-07624, filed on September 30, 2002. This document consists of a court docket from the Central District of California.
- EXHIBIT R** Docket, *Perfect 10 Inc. v. Guba, LLC*, Case No. 3:2002-cv-02842, filed on June 13, 2002. This document consists of a court docket from the Northern District of California.
- EXHIBIT S** Docket, *Perfect 10 Inc. v. Tri-Tech Internet*, Case No. 2:2002-cv-03498, filed on April 29, 2002. This document consists of a court docket from the Central District of California.
- EXHIBIT T** Docket, *Perfect 10 Inc. v. David Edghill*, Case No. 2:2001-cv-03748, filed on April 24, 2001. This document consists of a court docket from the Central District of California.
- EXHIBIT U** Docket, *Perfect 10 Inc. v. Cybernet Ventures*, Case No. 2:2001-cv-02595, filed on March 20, 2001. This document consists of a court docket from the Central District of California.

- 1 **EXHIBIT V** Docket, *Perfect 10 Inc. v. AKA Entm't*, Case No. 2:2000-
2 cv-13182, filed on December 15, 2000. This document
3 consists of a court docket from the Central District of
4 California.
- 4 **EXHIBIT W** Docket, *Perfect 10 Inc. v. Brainstorm Software*, Case No.
5 2:2000-cv-11959, filed on November 8, 2000. This
6 document consists of a court docket from the Central
7 District of California.
- 6 **EXHIBIT X** Docket, *Perfect 10 Inc. v. Global Innovations*, Case No.
7 2:2000-cv-11671, filed on November 2, 2000. This
8 document consists of a court docket from the Central
9 District of California.
- 9 **EXHIBIT Y** Docket, *Perfect 10 Inc. v. Leo Radvinsky*, Case No. 2:1999-
10 cv-07376, filed on July 19, 1999. This document consists
11 of a court docket from the Central District of California.
- 11 **EXHIBIT Z** Docket, *Perfect 10 Inc. v. Talisman Communications*, Case
12 No. 2:1999-cv-10450, filed on October 12, 1999. This
13 document consists of a court docket from the Central
14 District of California.
- 13 **EXHIBIT AA** The Declaration of Lori Chung in Opposition to
14 Perfect 10's Motion for Preliminary Injunction in the
15 November 18, 2009 federal action filed in the Southern
16 District of California (Case No. 3:2009-cv-02596) and the
17 attachments thereto [ECF No. 26-7 in the docket for that
18 case].

17 Pursuant to Federal Rule of Evidence 201(d), a court is mandated to take judicial
18 notice of adjudicative facts if requested by a party and supplied with the necessary
19 information.

20 A judicially noticed fact must be one not subject to reasonable
21 dispute in that it is either: (1) generally known within the
22 territorial jurisdiction of the trial court; or (2) capable of
23 accurate and ready determination by resort to sources whose
24 accuracy cannot reasonably be questioned.

23 Federal Rule of Evidence 201(b).

24 The Court may take judicial notice of its own records, including docket sheets and
25 filed documents. *See United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980) (judicial
26 notice of a court's own records or those of an inferior court); *Mangiafico v. Blumenthal*,
27 471 F.3d 391, 398 (2d Cir. 2006) ("[D]ocket sheets are public records of which the
28 [district] court could take judicial notice."). Thus, the facts listed above are capable of

1 accurate and ready determination by resort to sources whose accuracy cannot reasonably
2 be questioned.

3 For these and the foregoing reasons, Lemuria thereby respectfully requests the
4 Court to take judicial notice of the attached documents.

5 Dated: December 20, 2010

6 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

7 By s:/James M. Chadwick
8 JAMES M. CHADWICK
9 Specially Appearing for Defendant
10 LEMURIA COMMUNICATIONS, INC.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28